REPLY DECLARATION
OF
JAMES M. BRADBURY

ATTACHMENT 16

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In re: Consideration of BellSouth Telecommunications, Inc.'s Entry into InterLATA Services Pursuant to Section 271 of the Telecommunications Act of 1996	)	Docket No. 6863-U

AFFIDAVIT
OF
JAY M. BRADBURY
ON BEHALF OF
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.,
TELEPORT COMMUNICATIONS ATLANTA, INC. AND
AT&T BROADBAND PHONE OF GEORGIA, L.L.C.

STATE OF GEORGIA
COUNTY OF FULTON

Before me, a notary public in and for said state and county, this day personally appeared Jay M. Bradbury, who, being by me first duly sworn, deposes and says:

I. PROFESSIONAL EXPERIENCE

1. My name is Jay M. Bradbury. My business address is 1200 Peachtree Street, Suite 8100, Atlanta, Georgia 30309. I am a District Manager in the AT&T Law and Government Affairs organization, and I provide consulting support to AT&T's business units and other internal organizations. Specifically, I am involved in the negotiation and implementation of interfaces for operational support systems ("OSS") necessary to support AT&T's entry into the local telecommunications market.

2. I graduated with a Bachelor of Arts degree in History from The Citadel in 1966. I have taken additional undergraduate and graduate courses at the University of South Carolina and North Carolina State University in Business and Economics. In 1987 and 1988, I participated in

Advanced Management Programs at Rutgers University and the University of Houston. I earned a Masters Certificate in Project Management from Stevens Institute of Technology in 2000.

3. I began my AT&T career in 1970 as a Chief Operator with Southern Bell's Operator Services Department in Raleigh, North Carolina. From 1972 through 1987, I held various positions within Southern Bell's (1972 - 1984) and AT&T's (1984 - 1987) Operator Services Departments where I was responsible for the planning, engineering, implementation and administration of personnel, processes and network equipment used to provide local and toll operator services and directory assistance services in North Carolina, South Carolina, Kentucky, Tennessee and Mississippi.

4. In 1987, I transferred to AT&T's External Affairs Department in Atlanta, Georgia where I was responsible for managing AT&T's needs for access network interfaces with South Central Bell, including the resolution of operational performance, financial and policy issues. From 1989 through November 1992, I was responsible for AT&T's relationships (including the negotiation and administration of billing and marketing contracts, card honoring contracts, facility contracts, and the support of sales of Network Systems products) with Independent Telephone Companies within the South Central Bell States and Florida. From November 1992 through April 1993, I was a Regulatory Affairs Manager in the Law and Government Affairs Division and was responsible for the analysis of industry proposals before regulatory bodies in the South Central States to determine their impact on AT&T's ability to meet its customers' needs with services that are competitively priced and profitable.

5. In April of 1993, I transferred to the Access Management Organization within AT&T's Network Services Division as a Manager - Access Provisioning and Maintenance with responsibilities for on-going management of processes and structures in place with Southwestern Bell to assure that their access provisioning and maintenance performance met the needs of AT&T's Strategic Business Units. In August 1995, I became responsible for the negotiation and

implementation of interfaces for operational support systems ("OSS") necessary to support AT&T's entry into the local telecommunications market in the BellSouth states. I assumed my current position in June 1998.

II. PURPOSE OF THE AFFIDAVIT

6. The purpose of this Affidavit is to demonstrate that BellSouth does not provide CLECs with nondiscriminatory access to its operational support systems and functions as required by the FCC and this Commission. In rejecting BellSouth's three prior 271 applications (and most notably its Second Louisiana Order), the FCC identified many deficiencies in BellSouth's OSS and set forth its expectations regarding corrective action.[1] Now, more than two years later, many of the same deficiencies still exist. These deficiencies include:

Lack of Equivalent Access to Pre-Ordering (including Integration and Parsed Customer Service Records) -- BellSouth does not provide CLECs with access to parsed customer service records to facilitate integration of pre-ordering and ordering functions whereas BellSouth's retail operations have such integrated access.

Lack of Equivalent Access to Due Dates – BellSouth does not provide CLECs with nondiscriminatory access to due dates because CLECs do not have access to a reliable automatic due date calculation capability and BellSouth's excessive reliance on manual processing for CLEC orders result in longer due date intervals.

Order Flow Through -- BellSouth relies excessively on manual processes to handle CLEC orders, particularly for UNEs, Combinations of UNEs, Number Portability, and xDSL. BellSouth does not provide CLECs with electronic ordering capability for many services and transactions. Even where electronic ordering is available, an inordinately high percentage of electronic CLEC orders fall out for manual processing because of BellSouth system design or

[1] Exhibit JMB-1 provides a compilation of language excerpted from the FCC's Second Louisiana Order related to each of the deficiencies listed herein.

errors. In contrast, all of BellSouth's retail orders can be processed electronically and nearly all are processed electronically without any human intervention.

Ordering & Provisioning Notices (Order Rejections, Firm Order Confirmations, Order Jeopardy) – BellSouth's ordering and provisioning notifications continue to contain inaccuracies and are not delivered in a consistently timely manner.

Capacity -- BellSouth's production OSS (computer systems and manual processes) do not have demonstrated capacity to handle projected wholesale volumes.

Total Service Order Cycle Time -- BellSouth's own performance data indicates that it takes approximately twice as long on average to complete CLEC orders than similar BellSouth retail orders.

Human-to-Machine Interface for Maintenance & Repair -- BellSouth does not provide CLECs with an interface for maintenance and repair functions that provides an equivalent level of integration and functionality as that provided to BellSouth's retail operations.

Change Control Process -- BellSouth routinely fails to follow its published change control process, which is inadequate to begin with. Effective change control (a.k.a. Change Management) is fundamental to the elimination of the OSS deficiencies identified by the FCC.

Customized Routing to OS/DA -- BellSouth does not provide an efficient means by which CLECs can order customized routing to OS/DA.

7. This affidavit should be read in conjunction with other affidavits describing the impact of these OSS deficiencies on the efforts of various AT&T business units to enter the Local Market. These other affidavits include the Affidavit of Donald Lee Beck, AT&T Broadband concerning cable-based market entry for consumers and small businesses; Edward Gibbs, AT&T Local Network Services concerning UNE-P market entry for consumers; Bernadette Seigler, AT&T Local Service and Access Management concerning UNE-P market entry for business customers; and Denise Berger, AT&T Local Service and Access Management concerning UNE-loop market

entry for business. Each of these affidavits highlights the substantial impact Bellsouth's deficient OSS have on AT&T's ability to provide Georgia consumers the choice of local carrier envisioned by the Act.

8. Despite the passage of more than 2 years since receiving clear direction from the FCC in the Second Louisiana Order, BellSouth has not taken the actions necessary to provide CLECs with the access to its OSS as required by law. Instead of taking the steps necessary to improve its OSS, BellSouth has waited in hopes that such improvement will no longer be required. Accordingly, the Commission should not recommend approval of a Section 271 application by BellSouth unless and until its performance satisfies the standards of the Act, as construed by the FCC, the U.S. Department of Justice, and this Commission.

III. OPERATIONS SUPPORT SYSTEMS OBLIGATIONS UNDER THE ACT

9. OSS are the computer-based systems, information, databases and personnel that telecommunications carriers use to perform essential customer and business support functions, including pre-ordering, ordering, provisioning, maintenance and repair, and billing. OSS includes the automated and manual processes required to make resale services and unbundled elements meaningfully available to competitors. Computer-based OSS enable telecommunications carriers to transmit data electronically between different systems, thereby maximizing efficiency and effectiveness in the performance of these essential support functions. In addition to computer-based systems, information and databases, OSS also includes any necessary manual processes performed by personnel located in various types of "centers" when computer-based processes have not been provided or are not available. In short, good computer-based processes are not enough – BellSouth also is obligated to provide, on a nondiscriminatory basis, the manual processes involved in operating essential support functions.

10. Not all of BellSouth's OSS are computer-based systems. The word "system" is synonymous with neither computers nor electronic interfaces. BellSouth's work centers and the manual procedures used by service representatives also are "systems." Although BellSouth has an obligation to develop, implement and deploy electronic interfaces for all OSS functions equal to those it uses itself, it has not yet happened and may not happen for some considerable time. Moreover, BellSouth must provide nondiscriminatory operations support processes for pre-ordering, ordering, provisioning, maintenance and repair, and billing, regardless of whether or not electronic interfaces have been implemented. As long as BellSouth uses manual processes as well as computer-based processes for these functions, this Commission should ensure all such processes are provided to competitors on a nondiscriminatory basis.

11. The FCC "conclude[d] that OSS and the information they contain fall squarely within the definition of 'network element' and must be unbundled upon request under section 251(c)(3) . . . ."[2] The FCC reiterated this important requirement in various proceedings conducted pursuant to Section 271 of the Act:[3]

12. In addition, the FCC concluded that OSS functions are subject to the duty imposed by Section 251(c)(3) on incumbent local exchange carriers ("LEC") to provide nondiscriminatory access to network elements, and the duty imposed by Section 251(c)(4) to provide resale services under just, reasonable, and nondiscriminatory conditions.[4] The FCC recognized that a "competing carrier that lacks access to operations support systems equivalent to those the incumbent LEC provides to itself, its affiliates, or its customers, 'will be severely disadvantaged,

---

[2] First Report and Order, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 11 FCC Rcd. 15499 at ¶ 516 (1996), aff'd in part and vacated in part by Iowa Utils. Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), aff'd in part and rev'd in part by AT&T Corp. v. Iowa Utils. Bd., 119 S. Ct. 721 (1999), hereinafter "FCC Local Competition Order".

[3] Memorandum Opinion and Order, Application of BellSouth Corp., et al. Pursuant to Section 271 to Provide In-Region, InterLATA Services in South Carolina, 13 FCC Rcd. 539 (1997), hereinafter "FCC South Carolina Order" and Memorandum Opinion and Order, Application of BellSouth Corporation, et al. for Provision of In-Region, InterLATA Services in Louisiana, 13 FCC Rcd. 20599 (1998), hereinafter "FCC Louisiana II Order".

[4] FCC Local Competition Order ¶ 517; FCC South Carolina Order ¶ 83; and FCC Louisiana II Order ¶ 84.

if not precluded altogether, from fairly competing.'"[5] The FCC reiterated these principles in its recent reviews of the Bell Atlantic and Southwestern Bell applications to enter the interLATA long distance market.[6]

13. In its Ameritech and South Carolina orders, the FCC stated that a BOC's provision of OSS functionality necessarily includes several components beginning with (1) a point of interface (or gateway); (2) any electronic or manual processing link (transmission links) between that interface and the BOC's internal operations support systems (including all necessary back office systems and personnel); and (3) all of the internal operations support systems (or "legacy systems") that a BOC uses in providing network elements and resale services to a competing carrier.[7]

14. In its Interconnection Order, the FCC found that nondiscriminatory access "necessarily includes access to the functionality of any internal gateway systems the incumbent employs in performing [pre-ordering, ordering, provisioning, maintenance and repair, and billing] functions for its own customers."[8] The FCC defined "internal gateway system" as "any electronic interface the incumbent LEC has created for its own use in accessing support systems for providing pre-ordering, ordering, provisioning, repair and maintenance, and billing."[9] Examples of internal gateway systems that BellSouth uses in Georgia are the Regional Negotiation System ("RNS"), the Regional Ordering System ("ROS"), and the Trouble Analysis Facilitation Interface

---

[5] FCC South Carolina Order ¶ 82; see also FCC Local Competition Order ¶ 518; FCC Louisiana II Order ¶ 80.
[6] Memorandum Opinion and Order, Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, CC Dkt. No. 99-295, FCC 99-404 at ¶ 83, 1999 WL 1243135 (rel. Dec. 22, 1999), hereinafter "FCC BA-NY Order"; Memorandum Opinion and Order, Application by SBC Communications, Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance, CC Dkt. 00-65, FCC 00-238 at ¶ 92, ,hereinafter "FCC Texas SWBT Order".
[7] Memorandum Opinion and Order, Application of Ameritech Michigan Pursuant to Section 271 to Provide In-Region, InterLATA Services in Michigan, 12 FCC Rcd. 20543 at ¶ 134 (1997), (hereinafter "FCC Ameritech Order"). FCC South Carolina Order ¶ 111, Note 337.
[8] FCC Local Competition Order ¶ 523 .
[9] FCC Local Competition Order ¶ 523, n. 1274.

("TAFI"). Accordingly, BellSouth must provide AT&T with nondiscriminatory access to the functional capabilities of RNS, ROS, TAFI, and other internal gateway systems.

15. The FCC discussed in greater detail the incumbent LEC's obligation to provide nondiscriminatory access to OSS functions in its various orders on Section 271 applications from BellSouth and other Regional Bell Operating Companies ("RBOCs"). The FCC explained that incumbent LECs must provide access to OSS functions that sufficiently support each of the three modes of competitive entry strategies established by the Act (interconnection, unbundled network elements, and services offered for resale) and must not favor one strategy over another.[10]

16. The FCC found that "[f]or those OSS functions that are analogous to OSS functions that an incumbent LEC provides to itself -- including pre-ordering, ordering and provisioning for resale services -- a BOC must offer access to competing carriers equivalent to the access the BOC provides itself."[11] The FCC also found that "access to OSS functions must be offered such that competing carriers are able to perform OSS functions in 'substantially the same time and manner' as the BOC."[12] In addition, the FCC found that "for those OSS functions that have no retail analogue, such as ordering and provisioning of unbundled network elements, a BOC must offer access sufficient to allow an efficient competitor a meaningful opportunity to compete."[13]

[10] FCC Ameritech Order ¶ 133.
[11] FCC South Carolina Order ¶ 98; see also FCC Ameritech Order ¶ 139.
[12] FCC South Carolina Order ¶ 98; see also FCC Louisiana II Order ¶ 87.
[13] FCC South Carolina Order ¶ 98; see also FCC Ameritech Order ¶ 141; FCC Louisiana II Order ¶ 87; FCC BA-NY Order ¶ 83, and FCC Texas SWBT Order ¶ 95.

17. The FCC also found "that excessive reliance on manual processing, especially for routine transactions, impedes the BOC's ability to provide equivalent access."[14] Manual processing by BellSouth results in delay and increased error in the fulfillment of customer's orders which negatively impacts AT&T's ability to compete with BellSouth in providing service to its customers in substantially the same time and manner as BellSouth.

18. For an interface to satisfy the Act's nondiscrimination requirements, the FCC consistently has indicated that the interface must demonstrate the characteristics described below. Additionally, appropriate operational data and performance measurements are necessary to determine whether the proposed OSS interfaces meet these five characteristics.[15] An interface with the following characteristics of nondiscrimination will minimize differences in OSS functional capabilities between the incumbent LEC and the CLEC:

Electronic -- The interface must be a machine-to-machine interface (computer application program to computer application program) that provides fully electronic interaction between the incumbent LEC's OSS and the CLEC's OSS.[16] A machine-to-machine interface decreases the time, reduces the cost, and improves the accuracy of an CLEC's performance of OSS functions,[17] while failure to deploy an application-to-application interface denies competing carriers equivalent access to pre-ordering OSS functions.[18]

Functionality -- The interface must provide all CLECs with the capability to perform the same OSS functions with at least the same level of quality, efficiency, and effectiveness that the incumbent provides to itself.[19] For those functions that do not have a retail analogue, the

[14] FCC Louisiana II Order ¶ 110.
[15] See FCC Ameritech Order ¶ ¶ 138, 141-42, 204-213; FCC BA-NY Order ¶ 89.
[16] FCC South Carolina Order ¶ ¶ 152-66.
[17] FCC Louisiana II Order ¶ 96, n. 291.
[18] FCC South Carolina Order ¶ 166; FCC BA-NY Order ¶ 137.
[19] FCC Local Competition Order ¶ 523; FCC South Carolina Order ¶ 98; FCC Ameritech Order ¶ 139; and FCC Louisiana II Order ¶ 87.

incumbent LEC must offer access to such OSS functions sufficient to allow an efficient competitor a meaningful opportunity to compete.[20]

Documented -- The interface must be documented accurately, adequately and sufficiently in advance to allow CLECs a reasonable opportunity to develop and deploy their own necessary systems, work processes, and employee training to use the interface.[21] Properly documented interfaces will facilitate completion of those necessary tasks in a manner that provides CLECs a meaningful opportunity to compete.

Capacity -- The interface must have the capacity to meet combined market volumes of all CLECs with response times that are equivalent to those the incumbent LEC provides itself.[22] Sufficient capacity will ensure that OSS interfaces do not become a bottleneck that impedes a CLEC's ability to compete.

Standards -- The interface must comply with existing telecommunications industry standards or ease the transition to evolving standards regarding:

- What is to be communicated (message protocol component);
- Specific information to be communicated (data elements); and
- language and rules for communication (communication protocols).

19. Although the use of industry standards can meet the needs of a competitive local exchange market,[23] lack of industry standards does not excuse an incumbent LEC from meeting its obligation to provide nondiscriminatory access to OSS functions.[24] Similarly, deploying an interface that merely adheres to industry standards is not sufficient to demonstrate

[20] FCC South Carolina Order ¶ 98; FCC Louisiana II Order ¶ 87; FCC BA-NY Order ¶ 129 and FCC Texas SWBT Order ¶ 148.
[21] FCC South Carolina Order ¶ 111; FCC Ameritech Order ¶ ¶ 137, 215; FCC Louisiana II Order ¶ 85; FCC BA-NY Order ¶ 88; and FCC Texas SWBT Order ¶ 97.
[22] FCC Ameritech Order ¶ ¶ 137, 194; FCC Louisiana II Order ¶ ¶ 139-40; FCC BA-NY Order ¶ 88; and FCC Texas SWBT Order ¶ 97.
[23] FCC Ameritech Order ¶ 217; FCC BA-NY Order ¶ 88.
[24] FCC South Carolina Order ¶ 121, n. 362.

nondiscriminatory access. A BOC must provide nondiscriminatory access to its OSS functions irrespective of the existence of, or whether it complies with, industry standards.[25]

20. In short, the FCC continues to apply the same standards for evaluating compliance with the Act's OSS requirements as it did when in rejected BellSouth's three earlier 271 applications. BellSouth must provide CLECs with equivalent access to OSS functions in terms of quality, timeliness, and accuracy to that which it provides for its retail operations. In the absence of a retail analog, BellSouth must provide access that is sufficient to allow an efficient competitor a meaningful opportunity to compete. The most probative evidence for this analysis is performance data from commercial operations, to the extent that reliable data is available.

IV. PREORDERING

21. The FCC defines "Pre-Ordering" and "Ordering" together. Under the FCC Rules, pre-ordering and ordering "includes the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled elements or some combination thereof." 47 C.F.R. § 51.5. In other words, pre-ordering is the exchange of information necessary to prepare an order, whereas ordering is the actual transmission of the order, along with attendant acknowledgments, notices, and status reports. Pre-ordering ordinarily takes place while the customer is on the telephone. Pre-ordering functions include: (1) determining the customer's existing services; (2) determining the services and features available to that customer; (3) validating the customer's address; (4) assigning a telephone number; (5) scheduling appointments for required site visits and establishing due dates for the commencement of services.

22. CLECs collect the pre-ordering information necessary to prepare and submit an accurate order for services or elements from its customer, its own databases, and from various BellSouth databases. The speed and accuracy with which this can be done is dependent upon (1)

[25] FCC Louisiana II Order ¶ 137.

integration (i.e., the ability of CLEC and BellSouth computer systems to exchange and manipulate information directly and with little or no human intervention and (2) response times (i.e., the time it take to receive information from BellSouth's databases in response to a query). Integration and quick response times enable CLECs to provide consumers with fast and accurate customer service, and reduces the costs of providing such service. Thus, integration and quick responses times directly impact the CLECs ability to compete successfully with BellSouth on the basis of both service and price.

PARSED CUSTOMER SERVICE RECORDS

23. CLECs obtain pre-ordering information from a number of BellSouth databases. Some of this information is "parsed." Parsed pre-ordering information is electronic data that is divided into fields that can be electronically transferred into other fields utilized in the pre-ordering and ordering process. For example, addresses obtained from the Regional Street Address Guide are parsed and can be electronically transferred into the address fields of the Local Service Request ("LSR") used by CLECs to order wholesale services and products. The FCC has stated that "the BOC must enable competing carriers to transfer pre-ordering information electronically to the BOC's ordering interface or to the carrier's own back office systems, which may require 'parsing' pre-ordering information into identifiable fields."[26]

24. The systems BellSouth uses for its own retail operations have the capability to transmit and receive parsed customer service record ("CSR") data internally to facilitate its retail operations. As a result, BellSouth's systems can electronically populate fields in its own retail orders with CSR data with little or no manual input. This capability saves time and expense, and provides a greater level of accuracy. Because BellSouth provides parsed CSR data to its retail

[26] FCC Order 99-404 ¶ 137.

service representatives, BellSouth also must provide the same functionality to CLECs to satisfy its statutory obligation to provide non-discriminatory access.

25. BellSouth, however, does not provide CLECs with parsed CSR data. Specifically, BellSouth has not provided CLECs with CSR data that contains delimiters and the business rules by which BellSouth applies the delimiters. Without such information, CLECs cannot parse CSR data with any reliability for use in electronically populating LSRs.

26. In addition, the size and format of certain fields in the CLEC ordering interfaces that BellSouth has designed are not compatible with the size and format of the data obtained from customer service records. For example, BellSouth provides CLECs with the customer's listed name as one data field in the CSR. To order a directory listing for that customer, however, BellSouth requires the CLEC to enter the customer's name in at least two data fields in the LSR instead of one. Consequently, CLECs cannot electronically populate the LSR using the CSR data and must manually "parse" and input the data. This incompatibility between pre-ordering and ordering data requirements was identified during third party testing in Georgia.[27]

27. These two deficiencies significantly reduce the level of integration that CLECs can achieve, and adversely impact competition. CLECs need this functionality to be able to achieve the same degree of efficiency and effectiveness in generating customer orders as is now available to BellSouth for generating retail orders. Parsed CRSs, moreover, are the industry standard. Parsing rules for CSRs have been included in industry standards since the publication of the LSOG3/TCIF9 guidelines July, 1998.

[27] MTP Final Report, pages V-A-28 through V-A-31.

28. AT&T and other CLECs requested parsed CSRs in September, 1998, as part of their requirements for the OSS99 upgrade. BellSouth, however, refused to include parsed CSRs in that upgrade. Accordingly, AT&T resubmitted its request for parsed CSRs via the change control process in September, 1999. The change request for parsed CSRs was the number one priority (ahead of ten other proposed changes) for CLECs using the TAG interface. Despite CLEC agreement on the high priority of parsed CSRs, the requested change has been languishing ever since. A review of the September 28, 1999 meeting minutes shows that the parsed CSR change request was targeted for implementation in April, 2000. More than a year after the target implementation date, BellSouth still has not provided CLECs with the functionality to parse CSRs, even though it has implemented more than 100 other changes requests (typically of a lower priority) since September 1999. Provided below is a brief chronology of events:

September, 1998 -- CLECs request parsed CSRs as part of OSS 99.

September 18, 1999 -- TAG users vote to give parsed CSRs its top priority among pending change requests.

September 29, 1999 -- Parsed CSRs targeted for implementation on April 20, 2000.

March 29, 2000 -- Three weeks prior to the target date for implementation, BellSouth unilaterally downgrades the Parsed CSR request to "Subteam being formed to perform planning and analysis during 2000."

September 18, 2000 -- During Release Package Meeting, BellSouth again downgrades and delays the implementation of this change: "Parsed CSR could possibly be implemented with Release 10.0 in May 2001."

December 5, 2000 -- BellSouth published its proposed schedule, showing a planned implementation date of December 31, 2001, for parsed CSRs.

Current Status -- BellSouth has stated in testimony that the implementation date for

parsed CSRs is "summer 2001 timeframe." BellSouth, however, now states that parsed CSRs will not be available until January 14, 2002. [Exhibit JMB-2]

29. In sum, BellSouth is not providing CLECs with nondiscriminatory access to CSR data. BellSouth has fully integrated the receipt and transmission of CSR data with its retail pre-ordering and ordering operations. In contrast, BellSouth has not provided CLECs with equivalent integration. As a result, CLECs cannot complete pre-ordering and ordering functions at an equivalent level of efficiency or effectiveness as BellSouth's retail operations.

PRE-ORDER DUE DATE CALCULATION

30. In its Second Louisiana Order, the FCC voiced its concern about the inequality of due dates between BellSouth retail and CLEC orders because: (1) the lack of a parity due date calculation in the pre-ordering interface; and (2) the delays caused by BellSouth's extensive reliance upon manual processing. The FCC indicated that, in future applications, it would be examining the impact of the automatic due date calculation capability that the Georgia Commission had previously ordered Bellsouth to implement.[28]

31. During the Third Party test KPMG Consulting ("KMPG") found the pre-order due date calculator to be deficient for certain products and services and opened Exception 116. KPMG closed Exception 116 following the implementation of a "workaround" and the promise of the future implementation of Change Request CR0237. CR0237 was cancelled on March 3, 2001, in favor of change request CR0313 that was reported as being implemented on February 25, 2001[29]. KPMG has not re-tested BellSouth's current OSS to ascertain whether CR0313, as implemented, has corrected the deficiency noted by KPMG.

---

[28] FCC Louisiana II Order ¶ 106.

[29] CR0313 was identified by an e-mail sent to the CCP Distribution list as an "Expedited Feature" to reduce the interval for certain UNE products and indicated that other reductions would occur in the June time frame. The posting and handling of CR0313 does not comply with existing CCP requirements. CR0313 does not presently (5/26/01) appear in any CCP tracking logs.

32. This deficiency with BellSouth's due date calculator is heightened by BellSouth's excessive reliance on manual processing. BellSouth still manually processes an inordinate amount of electronic CLEC LSRs. In March 2001, for example, more than 70,000 electronic CLEC LSRs fell out for manual processing because of BellSouth system design or system errors. When LSRs fall out for manual processing, they lose their place in queue for being assigned due dates, which are assigned at least in part on availability. Thus, an electronic CLEC LSR that falls out for manual processing may be assigned a later due date than it would have otherwise been assigned if it had not fallen out for manual processing. Since all of BellSouth's retail LSRs are electronic and nearly always flow through, BellSouth's retail LSRs will be placed in queue for due date assignment earlier than a similar CLEC LSR submitted at the same time that subsequently falls out for manual processing. BellSouth, therefore, has superior access to due dates than CLECs and that is discriminatory.

OSS RESPONSE TIME

33. Pre-ordering response time is the period of time from BellSouth's receipt of pre-ordering inquiry until it transmit a response back to the CLEC (i.e., the time during which BellSouth has "control" of the transaction). This time is important because in most cases, the CLEC's customer is on the line while the CLEC is obtaining the preorder information from BellSouth. If the process takes too long, the prospective CLEC customer will perceive the CLEC as being slow and inefficient, and may terminate their request for service.

34. Currently, BellSouth does not provide reliable performance data to evaluate pre-ordering response times. First, BellSouth does not appear to be measuring the proper interval. Instead of measuring all of the time during which BellSouth has control of the pre-ordering inquiry, BellSouth is measuring only the time it takes its back-end legacy systems to process the inquiry and does not measure the TAG or LENS processing time. The Affidavit of Cheryl L. Bursh filed today addresses this issue in more detail.

35. Second, the BellSouth's performance data for pre-ordering response times is incomplete. For example, although BellSouth has been reporting data on pre-order response time to the Commission and CLECs, BellSouth has not been collecting any LENS response time data for pre-ordering inquiries submitted via OSS-99 programming, which was implemented in January 2000. BellSouth has stated that such data will not be available until mid-April 2001, which probably means that a full month of data (May 2001) will not be reported until mid-June 2001. Consequently, there are no recent, reliable data upon which to evaluate BellSouth's performance in responding to pre-ordering inquiries.

36. Preliminary indications are that at least some pre-ordering response times will continue to be excessive. For example, minutes from the May 23, 2001 CCP Monthly Status Meeting state that the response time for CSR inquiries will take an average of 12 seconds, which BellSouth implicitly concedes is excessive:

> Currently, to view a CSR in LENS, it takes approximately 12 seconds on average. BellSouth's goal is to reduce this response time approximately 50% or better. How the CSR is viewed or formatted will change slightly, and is based on how the information is pulled.

CLECs frequently transmit CSR inquiries during the pre-ordering process. A 12 second response time will unreasonably delay and disrupt an efficient pre-ordering process.

37. Moreover, although KPMG found that many test points were satisfied in the re-order test domain, the test report indicates that many pre-order inquiry response times failed to met the parity standard used in the test by a significant amount. Simply put, BellSouth is not providing the nondiscriminatory access required by the Act.

LCSC CALL ANSWER TIMES

38. When BellSouth's retail customers want to place a new order or have a question about a pending order, they call BellSouth's Residence Service Center ("RSC") or its Business Service Center ("BSC"). When BellSouth's wholesale customers (i.e., CLECs) have a question about a

pending order (BellSouth does not accept telephonic orders from CLECs), the CLEC calls the LCSC. One measure of parity in customer support is the time it takes BellSouth to answer calls at its various service centers. BellSouth includes this data in its monthly performance reports. The Georgia Commission's stated performance standard is parity between retail and wholesale answer times.

39. BellSouth's reported data indicates on its face that BellSouth provides CLECs with second-class customer support.[30] Provided below is a summary of BellSouth's answer times for the first four months of 2001.

Speed of Answer in Ordering Centers			
Month	**LCSC**	**RSC**	**BSC**
January	398 seconds	154 seconds	84 seconds
February	179 seconds	110 seconds	42 seconds
March	148 seconds	139 seconds	57 seconds
April	96 seconds	128 seconds	28 seconds

40. CLECs are among BellSouth's biggest customers. Nevertheless, the answer times have consistently been at least three times longer than what BellSouth provides its retail business customers. Why would BellSouth provide second-class service to its biggest customers? Because those customers happen to be the competition, and BellSouth has consistently relegated its competing wholesale customers to second-class status behind its retail customers. That is precisely what the Act's requirements for nondiscriminatory access to OSS functions was intended to address.

V. ORDERING AND PROVISIONING

ORDER FLOW THROUGH

Introduction

30 As outlined in the Affidavits of Cheryl L. Bursh and Sharon E. Norris filed today, BellSouth's self-reported performance data is not in compliance with the Commission's latest order, its reported data is incomplete and inaccurate and the compliance audit requested by the Commission has not yet been conducted. However, even if these issues are laid aside, BellSouth's reported performance data does not present a picture of compliance with the Act's requirements.

41. As explained below, BellSouth's retail operations have the capability to submit electronic orders for all products, services, and transactions, and BellSouth's OSS process such electronic orders automatically without any manual processing. In contrast, CLECs cannot submit electronic orders for all products, services, and transactions. Moreover, high percentage of electronic CLEC orders fall out for manual processing (from 10 to 68 percent depending on the interface and product type) because of BellSouth system design or system errors. BellSouth's excessive use of manual processing to handle CLEC orders is discriminatory and adversely impacts competition.

BACKGROUND ON ORDER FLOW THROUGH

42. An order is a transaction by which a customer obtains a service or product, or changes the existing service or product that it is receiving In BellSouth parlance, such CLEC originated transactions are called "local service requests" or LSRs until accepted by BellSouth's Service Order Control System ("SOCS"), at which time it becomes a service order. BellSouth's retail transactions are called "service requests" prior to their acceptance by SOCS, at which time it to becomes a service order. For the sake of simplicity, BellSouth's terminology for CLEC originated transactions – LSR - will be used in this discussion for both CLEC and BellSouth retail transactions.

43. In simple terms, order flow-through is the ability of a service provider (be it a CLEC or BellSouth) to transmit its own electronic LSR and have that LSR successfully processed into a service order without manual intervention. In the context of CLEC LSRs, the FCC explained in paragraph 107 of the LAII Order:

> A competing carrier's orders "flow through" if they are transmitted electronically through the gateway and accepted into BellSouth's back office ordering systems without manual intervention.

44. Flow through is sometimes confused with the integration of pre-ordering and ordering systems, but it is different. Integration involves the ability to create LSRs electronically using

data (e.g., addresses, telephone numbers, due dates) obtained from BellSouth's pre-ordering systems. In other words, integration involves the automation of activities before the service representative hits the "send" button to transmit the LSR, and flow-through involves the automation of activities after the service representative hits the "send" button.

45. It is impossible to completely automate the pre-ordering process. At a minimum, a service representative will have to speak to the customer and input certain data into the LSR. For certain products or features, service representatives may have to obtain information that they cannot access electronically. In contrast, the ordering process can be and has been fully automated. After the service representative hits the "send" button, the LSR can be processed without any further manual intervention. That is flow through.

46. The FCC gives "substantial consideration" to order flow-through rates because it believes that flow-through rates "demonstrate whether a BOC is able to process competing carriers' orders, at reasonably foreseeable commercial volumes, in a nondiscriminatory manner."[31] Indeed, the FCC found that substantial disparity between flow through rates of BOC errors and those of competing carriers, on its face, demonstrates a lack of parity. [32] In more recent orders, the FCC has confirmed that flow through rates are a useful indicator that deficiencies may exist in the BOC's OSS, such as a lack of integration and an inability to provision orders or provide order status notifications in a timely manner.[33]

47. Order flow through is critical because it impacts consumers and CLECs in several important respects. First, BellSouth does not provide timely order status notices when CLEC LSRs do not flow through and instead fall out for manual processing. On average, it takes BellSouth at least 12 hours to provide a rejection notice and at least 18 hours to provide a firm order confirmation ("FOC") for electronic LSRs that fall out for manual processing, whereas it

[31] Second Louisiana Order ¶ 108.
[32] Second Louisiana Order ¶ 107.
[33] FCC Order No. 99-404 ¶ 162.

takes less than 15 minutes on average to send either notice when the LSR flows through and is processed electronically

48. Second, electronic LSRs that fall out for manual processing are subject to later due dates because due dates are not confirmed until a BellSouth's OSS generates a FOC, and are assigned on a "first come, first served" basis. Because FOCs for electronic LSRs that fall out for manual processing take at least 18 hours

longer on average to generate than FOCs for LSRs that flow through, manually-processed electronic LSRs are placed in queue much later than electronically-processed LSRs that are submitted at the same time.

49. Third, electronic LSRs that flow through do not face the risk of input errors during manual processing that could lead to a different service being "ordered" than was actually requested by the CLEC. Finally, electronic LSRs that flow through are less costly for both CLECs and BellSouth (whose costs ultimately are passed on to CLECs through its charges) to generate, track, and process than are paper LSRs or electronic LSRs that fall out to manual processing. In a competitive environment, lower costs lead to lower prices for consumers.

BELLSOUTH'S FLOW THROUGH PERFORMANCE

50. An analysis of BellSouth's reported flow through data for March 2001, which is representative of its recent reported performance, demonstrates that 21 percent of CLEC LSRs fall out to manual processing by design or as the result of BellSouth system errors.[34] As the matrix below illustrates, the fall out rate is higher (25 percent) for LSRs submitted via BellSouth's "machine-to-machine" interfaces (TAG and EDI). The fall out rate is even higher for TAG and EDI when the CLEC submits LSRs for LNP (68 percent and 34 percent

[34] In January 2000, BellSouth began reporting the data necessary to quantify the extent of Manual Fall Out and BellSouth-Caused System Failure experienced by CLECs. BellSouth has disaggregated this data by interface (LENS, TAG and EDI) as well as by service/product type (i.e., LNP, UNEs, Business Resale, and Residence Resale). Since it began reporting this data, BellSouth's flow-through performance has been relatively flat overall. Thus, BellSouth's reported data for March 2001 is representative of its current performance.

respectively), UNE (30 percent and 52 percent respectively), or business resale (65 percent and 55 percent respectively).

March 2001 Percentage of Total Mechanized LSRs Encountering BellSouth Caused Manual Processing (Designed Manual Fallout and BellSouth System Error)				
Interface	**LENS**	**TAG**	**EDI**	**All Interfaces**
LNP	NA	68%	34%	40%
UNE	26%	30%	52%	31%
Bus Resale	47%	65%	55%	48%
Res Resale	15%	14%	10%	14%
Total	18%	25%	25%	21%

51. What these high manual fall out rates mean is that CLECS using TAG or EDI (which generally are the CLECs capable of full-scale market entry) and employing particular market entry strategies – UNEs, LNP, and business resale -- will be significantly constrained by BellSouth's imposition of manual processing. Manual processing simply cannot handle volumes or provide the responsiveness of electronic processing.

52. The concept of flow-through applies to BellSouth's retail LSRs as well as CLEC LSRs.[35] BellSouth's retail LSRs flow through when a BellSouth service representative submits an LSR via one of its front-end retail ordering systems (i.e., BellSouth's Regional Ordering System, ("ROS,") or its Regional Negotiation Systems, ("RNS")) and that retail LSR ultimately is accepted by BellSouth's Service Order Completion System ("SOCS") without any manual processing. Similarly, a CLEC LSR flows through when a CLEC service representative submits an LSR via one of the front-end ordering interfaces offered by BellSouth (i.e., EDI, TAG or LENS) and that CLEC LSR is ultimately accepted by SOCS without any manual processing.

35 In its Order dated January 16, 2001, in the Performance Measures Docket (No. 7892-U), the Georgia Commission recognized, among other things, the existence of BellSouth retail flow-through by rejecting BellSouth's argument that retail business LSRs do not have flow-through and ordering BellSouth to resume reporting retail flow-through data for business LSRs.

Exhibits JMB-3 and JMB-4 depict the methods by which BellSouth processes retail and CLEC LSRs respectively.

53. BellSouth's own data establishes that it is not providing CLECs with flow-through capabilities equivalent to that provided to its own retail operations. Using its front-end retail ordering systems (RNS or ROS), BellSouth can submit electronic LSRs that can flow through up to 100 percent of the time for every service, product, or transaction used in its retail operations. BellSouth has repeatedly confirmed this fact in various regulatory proceedings. Except for residential resale, electronic CLEC LSRs submitted via TAG or EDI fallout to manual processing approximately 30 to 68 percent of the time, depending on the requested service. CLECs, moreover, cannot submit electronic LSRs for all available wholesale services, products, or transactions.

54. BellSouth's flow-through performance is significantly below parity and the benchmarks established by the Georgia Commission. Indeed, the Georgia Commission has ordered the creation of an Improvement Task Force to expand the scope of CLEC electronic ordering and eliminate BellSouth system errors and designed manual fallout. (Exhibit JMB-5). Moreover, the progress of the Improvement Task Force thus far has been disappointing, primarily because BellSouth does not appear to be committed to the long-term success of the Task Force. (Exhibit JMB-6)

DELAYS CAUSED BY MANUAL FALLOUT

55. Manual processing takes much longer than automated processing. For example, BellSouth's March 2001 monthly performance measurement report states that, over 95 percent of the time, it can process (i.e., return a firm order confirmation) CLEC LSRs for business resale in less than 15 minutes if that LSR flows through. If such CLEC LSRs do not flow through, it takes BellSouth an average of 18 hours or longer (depending on the service/product) to process the LSR.

56. BellSouth has long claimed that CLEC LSRs that fall out to manual processing (by design or system error) are immediately routed to the LCSC for handling and that such LSRs receive some sort of priority handling. The data that BellSouth provides individual CLECs in its monthly CLEC LSR Report, however, contradicts BellSouth's claim. The CLEC LSR report enables CLECs to determine how long it takes BellSouth's LCSC to "claim" (i.e., begin working on) that CLEC's LSRs after they fall out for manual processing. As illustrated below, the data in the CLEC LSR report indicates that the average "claim" interval for AT&T's LSRs in September and October, 2000, was well over 24 hours.

Operating Company No.	Average Claim Interval	
	September 2000	October 2000
7125	34 hours	59 hours
7421	32 hours	130 hours
7680	67 hours	74 hours

57. Thus, while LSRs that flow through generally are processed in less than 15 minutes, it takes BellSouth an average of 18 hours or longer (depending on the service/product) for BellSouth to claim and then manually process CLEC LSRs that fall out by design or system error. Delays of this length increase the likelihood that requested due dates will not be met, the CLEC will incur additional administrative costs to track LSR status, and customers will perceive the CLEC's service as inferior.

MANUAL FALL OUT BY DESIGN

58. To flow through, an electronic LSR must be in a format that can be read by SOCS. Accordingly, BellSouth designed its retail ordering OSS to convert all retail LSRs into a Service Order Confirmation System ("SOCS") readable format. BellSouth, however, did not design its wholesale ordering OSS to convert all CLEC LSRs into a SOCS readable format. By design, BellSouth's wholesale ordering OSS routes those CLEC LSRs that it has not been programmed

to convert into SOCS readable format to BellSouth's LSCS for manual processing. Such CLEC LSRs are categorized as "manual fall out" in BellSouth's monthly flow through performance reports. In addition, BellSouth's wholesale ordering OSS frequently experience a system error and route CLEC LSRs that can be converted into a SOCS readable format to the LCSC for manual processing. Such LSRs are categorized as "BellSouth caused errors" in BellSouth's monthly flow through performance reports.

59. At the LCSC, BellSouth's service representative manually inputs the same information from the CLEC LSR into one of BellSouth's front-end retail ordering systems (e.g. DOE, SONGS[36]) as if it were a retail LSR. Generally, the LCSC representative does not add any information to the CLEC LSR. The exception to this general rule is where a LCSC representative must review a related pending order to ensure that new CLEC LSR and the pending order are compatible. Thus, BellSouth has the technology to create SOCS readable LSRs for all products, services, and transactions so that such LSRs can flow through. BellSouth simply has not transferred that technology from its retail ordering OSS to its wholesale ordering OSS. Instead of a one-time transfer of technology, BellSouth has decided to use LCSC personnel as a manual work around for the approximately 70,000 LSRs that currently fall out to manual processing every month.

60. BellSouth has identified 13 categories of LSRs that fall out to manual processing by design. This listing, however, may not be complete. An exception was opened under the Florida Third Party Test because the business rules do not match the listing. In any event, BellSouth has attempted to excuse its designed fallout with summary assertions that such LSRs are for "complex" products, are unique to CLECs, or do not have sufficient volume to justify the expense. As explained below, these assertions have no substance:

[36] DOE and SONGS were replaced in BellSouth's retail operations with the new Regional Ordering System ("ROS") during 1999, but retained in the wholesale LCSC. BellSouth has stated that it has no plans to implement ROS in the LCSC.

Complexity -- BellSouth already has the technology to process so-called complex services without human intervention through its retail front-end systems. Thus, "complexity" does not preclude flow through.

Uniqueness -- Most if not all of the 13 categories of CLEC LSRs that fall out to manual processing by design have retail analogs that flow through when submitted via BellSouth's front-end retail systems. To the extent that a given category is truly unique to CLECs, it is puzzling that BellSouth added the technology to process CLEC-unique products to its retail ordering OSS (DOE and SONGS) rather than to its wholesale ordering OSS interfaces.

Low Volumes -- More than 70,000 CLEC LSRs fall out for manual processing every month. Thus, there are sufficient volumes to justify more robust flow through capability. BellSouth, moreover, has not presented any kind of cost/benefit analysis that compares the estimated costs of manually processing particular categories of LSRs against the estimated costs and benefits of providing flow through capability. Assuming the nominal cost of $25 for manually processing each CLEC LSR that falls out, consumers bear an additional cost burden of approximately $1,750,000 each month ($21,000,000 per year) on manual fall out. Clearly, it is in the best interest of consumers (who ultimately foot the bill) to reduce or eliminate these costs through automation, while at the same time improving customer service.

IMPACT ON CONSUMERS AND COMPETITION

61. Flow through is critical to competing effectively against incumbent LECs like BellSouth. In comparison to manual LSRs, CLECs can create electronic LSRs more quickly, more accurately, and less costly. Electronic LSRs that flow through, moreover, can be processed more quickly, more accurately, and less costly by BellSouth. As a result, electronic LSRs that flow through provide real benefits to consumers -- less time on the phone placing orders, early service due dates, lower risk of inaccurate provisioning, and ultimately lower prices because of lower order processing costs.

62. BellSouth does not provide CLECs with nondiscriminatory access to the ordering functionality of its OSS because BellSouth's retail operations have flow through capability that is far superior to that provided to CLECs. BellSouth's retail operations have flow through capability for all offered services and products, whereas CLECs do not. In contrast, more than 70,000 CLEC LSRs fall out for manual processing every month. On average, it takes BellSouth dozens of hours to claim and then manually process these LSRs, compared to the 15 minutes it takes to automatically process a CLEC LSR that flows through. In additional to inordinate delays, manual processing undoubtedly increases ordering costs that are ultimately borne by consumers through the rates that they pay.

ORDERING & PROVISIONING STATUS NOTICES

63. Ordering and provisioning notices are the means by which BellSouth advises CLECs of certain events in the ordering and provisioning process. These notices include firm order confirmations ("FOCs"), rejection notices, jeopardy notices, and completion notices. FOCs advise CLECs that BellSouth has accepted a service order and provides CLECs with a committed due date. Reject notices/error notices advise CLECs that a particular order is defective and must be corrected. Jeopardy notices advise CLECs that BellSouth cannot meet a confirmed due date. Completion notices advise CLECs that the ordered service has been provisioned. The FCC has consistently held that that providing all of these notices on a timely basis is critical to a CLECs ability to provide the same level of service and information to their customers that an incumbent LEC can provide to its retail customers. According to the FCC, "The timeliness of these notices, including order completion intervals, is crucial to the ability of new entrants to compete effectively."[37]

[37] FCC South Carolina Order ¶ 117, 122, 130; see FCC Order No. 99-404 ¶ 159.

64. BellSouth measures the intervals for providing FOCs, rejection notices, jeopardy notices, and completion notices. BellSouth, however, has not yet proven that its reported performance data is reliable. This issue is addressed in detail in the affidavit of AT&T's Ms. Norris. The reliability of BellSouth's performance data must be established before an informed determination can be made regarding whether BellSouth provides CLECs with ordering and provisioning notices at parity with its retail operations.

65. One particular way in which BellSouth's reported data masks its actual performance is its recent exclusion of "non-business" hours in calculating its partially mechanized FOC and rejection notice intervals for most product/service types. Prior to March 2001, BellSouth apparently calculated these notice intervals from the actual time it received an electronic CLEC LSR until the actual time it sent the notice (FOC, reject or completion) back to the CLEC. For example, if BellSouth received an electronic CLEC LSR at 3 pm, but did not send a FOC back until 10 am the next day, the FOC interval for that LSR would be 19 hours. Beginning in March 2001, however, BellSouth stopped reporting the actual interval and began reporting the "business hour" interval. Specifically, BellSouth stopped the clock during hours outside of the LCSC's published hours of operation. Thus, for the example above, BellSouth now would calculate the FOC interval for that LSR as being 7 hours (assuming business hours of 7 a.m. to 7 p.m.)

66. BellSouth's new calculation masks its actual performance and does not promote competition. First, it masks BellSouth's actual performance by precluding an apples-to-apples comparison of FOC intervals between fully mechanized LSR orders (i.e., flow through for both CLECs and BellSouth) and partially mechanized orders (i.e., LSRs that fall out to manual processing) to ascertain the actual impact of manual processing. Electronic LSRs that flow through are not subject to the hours of operations of BellSouth's retail or wholesale service centers. Indeed, that is one of the major advantages of flow through. Electronic LSRs that fall out for manual processing, however, would be subject to a different methodology for calculating

notice intervals. Thus, a comparison of the notice intervals for electronic CLEC LSRs that fall out for manual processing with BellSouth's retail performance or electronic LSRs that flow through would not be a valid, apples-to-apples comparison.

67. Second, BellSouth's new methodology also precludes an apples-to-apples comparison of the reported interval to existing benchmarks. These benchmarks were established or negotiated based on actual hours. Unless these benchmarks are reduced to reflect "business hours," BellSouth's methodology effectively increases the benchmarks by 12 or more hours. For example, under its new methodology, BellSouth would met a 24 hour benchmark for FOCs if it received an electronic LSR received at 3 p.m. on Monday and returned a FOC 48 hours later at 3 p.m. on Wednesday. Given that BellSouth is facing a phased reduction of notice standards in May and August 2001, BellSouth's new calculation appears to be an attempt to met more demanding standards without improving its service.

68. Third, BellSouth's new methodology removes any incentive for BellSouth to expand the LCSC's hours of operation to improve its wholesale performance. Any expansion or contraction of operating hours would not impact the notice intervals reported by BellSouth. Finally, BellSouth's new methodology does not reflect the business environment in which CLECs operate. CLECs and their customers are concerned about actual response times and not how those times correspond to BellSouth's hours of operations. For all of these reasons, BellSouth's partially mechanized notice interval data since March 2001 does not accurately depict BellSouth's actual performance.

FOC NOTICE INTERVALS

69. Moreover, even taken at face value, the data in BellSouth's monthly performance measures report indicate that BellSouth is not providing timely FOC notifications for electronic LSRs that fall out for manual processing. Generally, BellSouth takes an average of 18 actual hours or longer to provide FOCs for such LSRs. In comparison, CLECs generally received

FOCs on LSRs that flow through in 15 minutes or less. Thus, BellSouth's excessive manual fall out rates have a significant impact on the CLEC receipt of a timely FOC because BellSouth has been unable to provide such notices within reasonable intervals.

Regional CLEC Aggregate Partially Mechanized Firm Order Confirmation Intervals (hours)			
	January (actual hours)	**February (actual hours)**	**March (business hours)**
Resale Residence	18.2	18.0	5.3
Resale Business	18.5	18.7	5.0
Resale Special	51.6	66.7	20.2
UNE	26.4	25.4	6.0
Other	17.8	24.5	5.5
Combinations	19.7	17.3	4.3
UNE Loop with LNP	35.7	28.1	27.2
Stand Alone LNP	11.8	22.9	22.6

70. Based on current performance trends, it is extremely unlikely that BellSouth will be able to meet the Georgia Commission's standard of providing FOCs within 10 hours for 85 percent of electronic LSRs that fall out for manual processing. That standard goes into effect in August, 2001.

REJECTION NOTICE INTERVALS

71. BellSouth's reported performance data also indicates that BellSouth is not providing timely rejection notifications for electronic LSRs that fall out for manual processing. On average, BellSouth takes 12 actual hours or longer to provide rejection notices for such LSRs. In comparison, CLECs generally received reject notices on LSRs that flow through in less than 8 minutes over 90 percent of the time. Thus, BellSouth's excessive manual fall out rates also have a significant impact on CLEC's receiving timely rejection notices because BellSouth has been unable to provide such notices within reasonable intervals.

Regional CLEC Aggregate Partially Mechanized Reject Intervals (hours)			
	January (actual hours)	February (actual hours)	March (business hours)
Resale Residence	12.3	14.4	5.0
Resale Business	14.8	19.7	4.3
Resale Special	45.1	63.4	18.6
UNE	30.7	34.0	7.5
Other	21.6	40.0	6.4
Combinations	14.1	16.3	4.1
UNE Loop with LNP	36.4	30.8	33.9
Stand Alone LNP	14.6	22.5	17.6

72. Based on current performance trends, moreover, it is extremely unlikely that BellSouth will be able to meet the Georgia Commission's standard of providing rejection notices within 10 hours for 85 percent of electronic LSRs that fall out for manual processing. That standard goes into effect in August, 2001.

JEOPARDY NOTICE INTERVALS

73. With respect to BellSouth's reported Jeopardy Notice Interval for March 2001, the accuracy of the data is suspect. BellSouth is reporting average jeopardy notice intervals of between 8 and 25 days! These intervals exceed the target provisioning intervals for most services and products. That does not make sense. If the reported data are correct, then BellSouth would appear to be providing unrealistic confirmed due dates (i.e., confirmed due dates that do not reflect the existing facility problems that are causing the jeopardies).

Regional CLEC Aggregate Jeopardy Notice Intervals		
Service	Average Jeopardy Notice Interval	
	CLECs	BellSouth
Residence	229 hours	465 hours
Business	316 hours	394 hours
Design	398 hours	571 hours
UNE Non-Design	208 hours	--
UNE Design	287 hours	--

74. Taken at face value, BellSouth's reported data indicates that BellSouth is providing its retail operations between 3 to 7 days more advance notice than it is providing to CLECs. This disparity is yet another instance where BellSouth provides superior support to its retail operations in comparison with the support it provides to its wholesale customer.

TOTAL SERVICE ORDER CYCLE TIME

75. Total Service Order Cycle time is the interval from when a CLEC submits an LSR to BellSouth until BellSouth notifies the CLEC that the resulting service order has been completed. In its order rejecting BellSouth's Section 271 application for South Carolina, the FCC concluded that "a meaningful measure of parity is one that measures the interval from when BellSouth first receives an order to when service is installed."[38] The FCC reiterated that position in its order rejecting BellSouth's second 271 application for Louisiana, stating that such performance "data are fundamental to a BOC's demonstration of nondiscriminatory access."[39]

76. As the matrix below illustrates, based on BellSouth's reported data for March 2001, BellSouth generally completes its own electronic orders in about half the time its takes BellSouth to complete CLEC electronic orders.

Regional CLEC Aggregate Total Service Order Cycle Time		
Service Description	**BellSouth**	**CLECs**
Residence Service (Dispatch -- <10 Ckts)	6.77 days	6.47 days
Residence Service (No Dispatch -- <10 Ckts)	.93 days	2.10 days
Business Service (Dispatch -- <10 Ckts)	3.33 days	5.70 days
Business Service (No Dispatch -- <10 Ckts)	1.56 days	3.36 days

[38] FCC South Carolina Order ¶ 137.
[39] FCC Second Order ¶ 125.

77. Once again, BellSouth's own data shows that it provides first class support for its retail operations, and second-class support for its wholesale service. This disparity impacts consumers and competition in at least two respects. First, CLECs are not able to provide consumers with competitive service start dates, and customers therefore will perceive CLEC service as inferior. Second, CLECs lose potential revenue while its orders are pending, and may lose some customers entirely.

ORDERING CAPACITY

78. Sufficient volume capacity is critical to supporting CLECs' entry into the local exchange market. CLECs are dependent on BellSouth's OSS for pre-ordering information, ordering and provisioning, billing, and maintenance and repair. Inadequate OSS capacity would place CLECs at a competitive disadvantage because they will not be able to assure their customers that the CLECs' service will be at least as accurate, dependable, and fast as service provided by BellSouth. Inadequate OSS capacity also impacts the consumers. If BellSouth's OSS are not sufficient to handle the volume of CLEC transactions, customer service will not be timely and accurately provisioned, bills may be late and inaccurate, and maintenance and repair issues may be unaddressed.

79. BellSouth's suite of CLEC OSS ("ENCORE") does not provide sufficient production capacity to process projected order volumes. Indeed, BellSouth has told KPMG that its "production environment did not have the computing capacity in the production environment to sustain the workloads 18 months to two years hence."[40] BellSouth's lack of sufficient capacity is further demonstrated by modifications to BellSouth's ENCORE production environment since

[40] Transcript of Georgia 3rd Party Test Hearing.

the conclusion of the Georgia third party volume tests. In December 2000, BellSouth upgraded a server associated with LENS and TAG after those interfaces suffered numerous outages and CLECs endured degraded performance for a number of months. BellSouth's Carrier Notification Letter SN91082158 dated January 11, 2001, explained the need for this upgrade and apologized for the inconvenience.[41] (Exhibit JMB-7) The Seigler Affidavit filed today discusses the current instability of the LENS interface.

80. Since late April 2001, the EDI interface has experienced outages on over 20 occasions during the migration of the EDI users to new hardware and software BellSouth is installing to meet raising demand. BellSouth has taken two highly unusual, but as yet unsuccessful, steps in its attempts to resolve these outages. On May 2, 2001, BellSouth implemented an administrative freeze on the use of the EDI interface, and on May 19, 2001, performed an Emergency Maintenance Software upgrade. Despite these efforts, the EDI interface continues to suffer outages and delay the processing of CLEC orders.[42]

81. In sum, BellSouth has not established that its ordering OSS has sufficient capacity to process projected order volumes. Indeed, CLECs experience outages and delays at current volumes. Additional future volumes will only make the outages more frequent and severe.

VI. MAINTENANCE AND REPAIR

82. BellSouth provides two options for electronic trouble reporting. For many (but not all) services associated with a telephone number, BellSouth offers access to its proprietary Trouble Analysis Facilitation Interface ("TAFI"). For both telephone number-associated exchange services and individually designed services, BellSouth provides electronic trouble reporting through an electronic communications gateway which BellSouth calls the Electronic

[41] This Carrier Notification Letter may be found at www.interconnection.bellsouth.com/notifications/carrier/carrier_pdf/91082158.pdf

[42] EDI Outage Reports may be found at: http://www.interconnection.bellsouth.com/markets/lec/ccp/ccp_so_edi.html. The Carrier Notification Letter

Communication Trouble Administration ("ECTA") gateway. This interface also is referred to as the Electronic Bonding Interface ("EBI"), particularly in AT&T internal communications.

83. TAFI has more extensive functionality that ECTA. TAFI, however, is a human-to-machine interface, which means CLECs cannot integrate their own internal OSS with TAFI. Consequently, a CLEC using TAFI must manually input trouble reports twice -- once into TAFI and then again into its own internal OSS. TAFI, moreover, does not cover services that are not associated with a telephone number. CLECs, therefore, would have to submit those trouble reports manually or through ECTA.

84. In contrast, ECTA is a machine-to-machine interface that covers all types of services. ECTA, therefore, allows CLECs to input all trouble reports once into a single system. ECTA, however, has significantly less functionality than TAFI.

85. BellSouth essentially provides CLECs with a Hobson's choice with respect to maintenance and repair. A CLEC can choose TAFI, which is effective but not efficient. Or a CLEC can choose ECTA, which is efficient but not as effective. Such a choice is inconsistent with the requirements of the Act, the interests of consumers, and the needs of CLECs.

86. The FCC examined TAFI and ECTA in BellSouth's last 271 application, and concluded that neither provides competitors with OSS functionalities equivalent to BellSouth's own capabilities.[43]

87. Regarding TAFI, the FCC concluded that TAFI does not provide nondiscriminatory access because it cannot be used for all types of orders and because TAFI is a "human to machine interface," meaning that new entrants cannot integrate it with the new entrant's own

(SN91082399, dated May 18, 2001) announcing the Emergency Maintenance Upgrade may be found at: //www.interconnection.bellsouth.com/notifications/carrier/carrier_pdf/91082399.pdf

[43] FCC Louisiana II Order ¶ 148.

back office systems.[44] Consequently, TAFI users must take information from the TAFI system and manually re-enter it into their own computer systems and vice versa.[45]

88. Regarding ECTA, the FCC concluded that ECTA as provided by BellSouth does not provide parity to competitors. The FCC noted that BellSouth had acknowledged that TAFI had superior functionality.[46] The FCC also noted that BellSouth conceded its superior ability to utilize TAFI functions:

> "We also note that BellSouth concedes that it derives superior integration capabilities from TAFI than the capabilities offered to competitors. BellSouth states that TAFI is a 'human to machine interface' meaning that new entrants using TAFI cannot integrate it with the new entrant's own back office systems.... BellSouth, on the other hand, is able to take advantage of its own TAFI system's capability of 'automatically interacting with other systems as appropriate' and its customer service representatives need not duplicate their efforts in the same way. In other words, TAFI is integrated with BellSouth's other back office systems."[47]

89. In February 1999, the FCC Staff again addressed the TAFI/ECTA issue in a letter to BellSouth (Exhibit JMB-8, Page 2), restating the findings of the FCC in the Louisiana II Order that, "We do not here conclude that TAFI's lack of integration per se fails to constitute nondiscriminatory access, although we do believe BellSouth would provide a more complete opportunity to compete if it offered competitive LECs an integrated system with the same functionalities available to BellSouth's own service representatives."[48] Additionally, the Staff provided a list of information that BellSouth would be required to submit with its next application if it were to attempt to demonstrate that it was providing nondiscriminatory maintenance and repair without a machine-to-machine interface.

---

[44] FCC Louisiana II Order ¶¶ 149-52.
[45] FCC Louisiana II Order ¶152.
[46] FCC Louisiana II Order ¶ 157.
[47] FCC Second Louisiana Order, ¶ 151, emphasis added.
[48] FCC Louisiana II Order ¶ 152.

90. The Staff also advised BellSouth that it would seek additional information to assess the competitive impact resulting from the lack of a machine-to-machine interface. AT&T participated in such an information-gathering meeting with the Staff on February 17, 1999. Exhibit JMB-9 is AT&T's Ex Parte letter associated with that meeting and includes the handouts from AT&T's presentation.

91. To compete successfully with BellSouth, CLECs must provide equal or better customer service and lower prices. CLECs cannot provide equal or better customer service at lower prices unless it can efficiently and effectively access and transfer all relevant data necessary to address the needs of its customers.

92. A full function, machine-to-machine interface for maintenance and repair is essential because it eliminates dual entry and the use of multiple interfaces to perform a single task. Both dual entry and the use of multiple interfaces causes inefficiencies in terms of time and costs, and are less effective because it increases the risk of errors.

93. Since April 1996, AT&T consistently has requested BellSouth to provide access to TAFI functionality through a machine-to-machine interface like ECTA. Provided below is an abbreviated chronology.

June 21, 1996 -- In response to AT&T's request, BellSouth stated on page 15 of its preliminary report to the Georgia PSC on OSS interfaces that it "has investigated the possibility of adding to the existing [EBI] gateway a system called . . . TAFI."

July 2, 1996 -- In response to BellSouth's preliminary report, the Georgia PSC ordered BellSouth to complete "the TAFI enhancements to allow full operation of the required access by March 31, 1997."[49] Despite the Georgia PSC's order, BellSouth has never provided those enhancements.

[49] Georgia PSC Order, Docket No. 6352-U (July 2, 1996).

March 1998 -- BellSouth's William N. Stacy testifies before the Georgia Commission that providing TAFI functionality over the ECTA interface is possible and a goal worth pursing.

December 23, 1998 -- After the FCC's Second Louisiana Order, BellSouth's Mr. Stacy advises the FCC Staff that BellSouth could provide initial TAFI functionality via the ECTA interface in 13 months and complete functionality in 18 months.

April 18, 2000 -- After nearly four years of BellSouth inaction, AT&T submits a formal change request through the Interim Change Control Process on April 18, 2000, asking for TAFI functionality via the ECTA interface.

94. The FCC has previously found that BellSouth was not providing nondiscriminatory access to maintenance and repair functions because, unlike BellSouth, CLECs did not have integrated access to TAFI functionality. Despite AT&T's continuous requests since 1996 for TAFI functionality via the ECTA interface -- an arrangement that BellSouth concedes is technically feasible and worth pursuing -- BellSouth has not made any progress in providing that capability. In short, nothing has changed and BellSouth still is not providing nondiscriminatory access to maintenance and repair functions.

VII. CHANGE MANAGEMENT

95. BellSouth lacks an effective change management process and fails to adhere to its existing process. In its Bell Atlantic – New York 271 order, the FCC announced that it would give "substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time."[50] The FCC also recognized that unmediated change to a BOC's OSS can be a powerful anticompetitive tool:

> Without a change management process in place, a BOC can impose substantial costs on competing carriers simply by making changes to its systems and interfaces without providing adequate

[50] FCC New York Order at ¶ 103; see also FCC Texas Order at ¶ 106; FCC Kansas-Oklahoma Order at ¶ 166.

> testing opportunities and accurate and timely notice and documentation of the changes.[51]

A BOC can just as easily impose substantial costs and hardship on competing CLECs by failing to adhere to its change management process.

96. BellSouth currently maintains a Change Control Process (the "CCP") that operates to BellSouth's advantage and to the disadvantage of CLECs. The primary problems with BellSouth's CCP are:

- BellSouth retains veto power over the process.
- BellSouth does not comply with the requirements of the process.
- The CCP does not meet stated CLEC needs.
- The process is not binding upon BellSouth or subject to effective regulatory oversight.
- BellSouth fails to provide CLECs with a stable testing environment and or adequate opportunity to test OSS changes prior to implementation.
- The KPMG Consulting Florida 3rd Party OSS Test has identified serious problems with BellSouth's Change Control Process.

Each of these issues will be discussed separately, below. These serious problems illustrate the fact that BellSouth's Change Control Process fails to provide CLECs with a known and knowable process upon which they can plan their use of BellSouth's OSS and thus gain a meaningful opportunity to compete against BellSouth.

BELLSOUTH RETAINS VETO POWER OVER THE CCP

97. Although BellSouth maintains a CCP, produces a written Change Control Document, and allows CLECs to provide "input" to the document and the process, it need not comply with any CLEC request. Instead, it retains absolute veto power over the process and the document. There is no provision in the Change Control Document that requires BellSouth to comply with changes or improvements requested by CLECs, even if such requests are reasonable, unanimous, and necessary to avoid discrimination. Thus, the Change Control Process is not an effective tool by which CLECs can bring about changes to BellSouth's OSS that are necessary in order to obtain a meaningful opportunity to compete.

[51] FCC New York Order at ¶ 103; FCC Texas Order at ¶ 106.

98. Indeed, BellSouth has exercised its veto power to thwart CLEC participation in the process. For example, AT&T filed a Change Request on September 9, 2000, requesting amendments to the Change Control Process. Other CLECs concurred with the request on October 27, 2000, and after a four-month series of meetings, BellSouth agreed to allow a ballot on the requested changes – so long as BellSouth could veto any result with which it did not agree. The CLECs and BellSouth each submitted proposed language. The ballot that ultimately was distributed included 34 issues, seven of which were the subject of disagreement between BellSouth and CLECs. Both BellSouth and the CLECs submitted their desired language on each of the seven issues, and all parties, including BellSouth, were invited to vote. Despite the fact that no CLEC voted in favor of BellSouth's position on these seven issues, BellSouth vetoed the CLEC vote and included its own language in the next version of the Change Control document. It should be noted that many of these issues were simply policy issues that did not require BellSouth to make any changes to its systems or processes.

99. BellSouth's veto of these seven issues has had a permanent chilling effect on the subsequent balloting and CLEC voting process. There have been no further "contested consensus" items included in any subsequent ballots. Further, despite its claim that these items would to be reflected as "open" in the CCP Working Document, BellSouth did not continue to publish the CLEC's language for several of the items, including specifically the CLECs dispute resolution language.[52]

100. BellSouth additionally exercises its veto power by overriding CLEC prioritizations. Further, despite the fact that BellSouth's internal processes associated with prioritization and release management were being revised and would require revision of the CCP, BellSouth did not proactively provided CLECs with information on the changes to its internal processes or seek CLEC input for use in developing its new processes.

[52] This Commission should not ignore the burden placed on CLECs who must expend excessive amounts of resources to play "watchdog" to BellSouth's continued manipulation of the CCP. BellSouth has succeeded in forcing many CLECs to cease active participation in the process, simply by its refusal to play by the rules.

BELLSOUTH DOES NOT COMPLY WITH THE REQUIREMENTS OF THE PROCESS

101. As explained above, AT&T and other CLECs repeatedly have submitted change requests in compliance with the CCP, yet BellSouth does not treat these requests in compliance with the CCP. Additionally, BellSouth continues to make changes to its OSS without following the CCP, causing additional expense and operational problems for CLECS. The following examples show that BellSouth has a pattern of failing to comply with the CCP, to the detriment of its competitors:

102. Improper change to planned electronic OS/DA ordering capability: After more than two years of having its requests for electronic flow through OS/DA ordering ignored, AT&T placed a formal change request with BellSouth for the capability in February 2000. BellSouth accepted the request, committed resources to the project and announced to the CLEC community that the capability for electronic ordering of one custom routing option (to BellSouth's platform unbranded) would be provided in Software Release 8 on November 18, 2000. BellSouth repeatedly reaffirmed this schedule in industry meetings up to and including a meeting on September 29, 2000. However, in October, 2000, BellSouth made the unilateral decision to remove this change from the Release. Neither BellSouth's decision to drop the functionality nor its subsequent decision to introduce a severely limited substitute was made or communicated in accordance with the Change Control Process.

103. Improper implementation of business rules: In August, 2000, BellSouth implemented Issue 9G of its Business Rules for Local Ordering without providing the required notice and opportunity for discussion through the CCP. Because BellSouth circumvented the CCP, CLECs were unable to make the required coding and process changes by the proposed October 2, 2000, implementation date. BellSouth nevertheless refused to withdraw these unapproved changes and implemented the software changes on October 2, 2000. In addition to rejecting the previously

valid CLEC orders impacted by these unilaterally imposed changes, BellSouth's software release also contained coding errors that caused the rejection of other types of CLEC orders.

104. Unilateral changes ordering software: At the November 13, 2000, Release 9 User Requirements Meeting, BellSouth announced that three features based on CLEC change requests and previously scheduled for Release 9 would not be included in the scope of the release, that it was probable that not all of them would even be in Release 10, and that Release 11 was yet to be scheduled. Further, BellSouth revealed that its implementation of UNE-to-UNE migrations (per its self-initiated Change Request No. 0030) would include only the capability to migrate from UNE-P to a UNE loop without number portability, the scenario lest likely to be used, and that if any other capability was desired, a new change request would have to be submitted. The resulting release included no CLEC-initiated change request implementations, and the UNE-to-UNE capability that was provided has little practical value to CLECs.

105. Preferential treatment of BellSouth-initiated change requests: BellSouth submitted four "Type 4" (BellSouth initiated) change requests on November 13, 2000. BellSouth targeted these changes for implementation in November 2000, in violation of the Change Control Process. None of the requests were scheduled for or subject to a prioritization review, as is required for all non-defect change requests. Various CCP log entries reflect that BellSouth change requests 216, 218, and 219 were implemented as of December 20, 2000, and there is no record whatsoever of BellSouth change request 217. Only fixes for defects are entitled to this "fast track" treatment, yet BellSouth treated its own change requests in this preferential fashion.

106. This is not an isolated incident. In 2000, after submitting no change requests in 1998 or 1999, BellSouth became the largest initiator of change requests. Although BellSouth submitted only 41% of all requests, while the 100 participating CLECs submitted the remaining 59%, BellSouth change requests constituted 53% of all implemented requests in 2000. Additionally, 67% of all BellSouth-submitted change requests in 2000 were implemented, scheduled for

implementation, or reached pending status, while only 46% of the CLEC-submitted requests received similar treatment.

107. Not only did BellSouth's change requests receive preferential implementation treatment, but BellSouth failed to submit the majority of them (87% of the BellSouth change requests implemented) to the CLECs for prioritization. Instead, BellSouth submitted 64% as defects and at least another 13% were implemented outside the existing process. This information is detailed in Exhibit JMB-10 (BellSouth Change Control Process Compliance).

108. Unilateral decision to implement new process: In September, 2000, AT&T requested consideration of specific changes to the Change Control Process, in accordance with procedures specified by the Process. According to the CCP, this request should have been discussed during Monthly Status Meetings. BellSouth refused to do so, however, and instead established a separate series of CCP Process Improvement meetings for discussing the request, thus delaying action on the request for several months.

109. Failure to utilize CCP for new interfaces: New interfaces brought online by BellSouth since the initiation of the CCP, including TAG, the LNP Gateway, and the xDSL Corporate Gateway, have not been included in the Change Control Process. Instead, BellSouth formed ad hoc groups regarding these interfaces. In each case the functionality delivered has not meet CLEC needs and vital process measurement data for the new interface/process has been unavailable.

THE CCP DOES NOT MEET STATED CLEC NEEDS

110. According to the FCC, a change management process is an important tool in providing CLECs with a meaningful opportunity to compete.[53] In order to provide a meaningful opportunity to compete, however, the change management process must allow CLECs a method

[53] FCC New York Order at ¶ 102, 111.

of obtaining those changes to a BOC's OSS that will enable them to provide service at parity with the BOC. BellSouth's CCP fails to do so. In fact, BellSouth has a pattern of failing to implement highly prioritized CLEC Change Requests.

111. Importantly, the BellSouth CCP does not include a "go/no go" decision point prior to the implementation of new software releases, to ensure that CLECs are not forced prematurely to cut over to a new release. This process, which was cited with approval in the FCC Staff letter to U.S. West, dated September 27, 1999, would allow delay of the new release if a majority of affected CLECs vote to do so.

112. Parsed CSRs: As discussed above in the Ordering section, BellSouth now plans to provide parsed CSRs to CLECs more than four years after they were first requested – despite the fact that this functionality has been available to BellSouth retail customer service representatives the entire time.

113. Pending change requests: At the end of the first quarter 2001, there were 24 change requests submitted in 2000 that remain in "new" status. A majority of those (71%) were submitted by CLECs, while only 29% were initiated by BellSouth. At least two requests (parsed CSRs and an electronic process for correcting dropped 411 listings) were submitted and prioritized in September 1999, but have yet to be implemented. Five other 1999 CLEC requests will not be implemented until June 30, 2001.

114. BellSouth has failed to address a total of 14 issues submitted by AT&T through the CCP dating back to August of 1999, and there currently are a total of 45 unaddressed change requests pending. Examples of unaddressed issues include: the ability to correct listings dropped from 411 records and parsed CSRs, mentioned above, the ability to change the main account telephone number, the ability to describe the handling of services remaining with BellSouth on a partial migration, the ability to perform certain types of partial migrations, the ability to combine existing accounts, the ability to obtain connecting facility information and information on

existing loops in pre-ordering, the ability to related multiple orders for a single customer, the ability to order enhanced extended loops ("EELs"), the ability to create new listings in LENS, flow-through for specific types of orders, the ability to edit a LENS LSR to remove a telephone number, the ability to request specific status notifications from BellSouth, the ability to change the number of directories to be delivered to a customer in LENS, correction of programming that returns errors incorrectly, correction and clarification of documentation errors. BellSouth is able to perform each of these transactions, and because CLECs cannot, BellSouth has not provided CLECs with nondiscriminatory functionality – and the CCP fails to provide a method for obtaining these functionalities.

115. In Exhibit JMB-10 (BellSouth Change Control Process Compliance) I have provided details of BellSouth's failure to implement pending change requests.

116. Lack of draft/final requirements for software releases: Whenever BellSouth makes changes to its OSS interfaces, CLECs need draft specifications in order to start developing their own software coding. Thereafter, CLECs require final specifications in sufficient time before the software is released, so they can complete the process. Without appropriate documentation from BellSouth, the importance of which has been recognized by the FCC, [54] CLECs are unable to prepare for upcoming changes to BellSouth's OSS. These specifications must be in existence, or BellSouth would not be able to prepare its software release or modification, yet BellSouth fails to provide them to CLECs in a timely fashion.

[54] In its recent order addressing Southwestern Bell's (SWBT's) long distance application for Texas, the FCC noted with approval that SWBT had committed to distribute draft specifications or business rules, review competitors' comments on the documentation, and distribute final documentation based on the consensus of the parties. (FCC Texas 271 Order at 111).

117. No opportunity to meet with BellSouth decision-makers: Additionally, the BellSouth CCP fails to provide CLECs with an opportunity to discuss Change Requests with the BellSouth personnel who decide whether to implement them. Instead, CLECs must present their requests to a BellSouth "go-between" who then meets with the BellSouth personnel in charge of accepting or rejecting the request, thus further limiting the effectiveness of the CCP and reducing its value to CLECs seeking a meaningful opportunity to compete.

118. Lack of testing environment/inadequate opportunity to test OSS: BellSouth currently employs a test support process, but there is no organized method for negotiating changes to this process. Additionally, BellSouth fails to provide an adequate and stable testing environment and adequate opportunity to test OSS changes prior to implementation, causing documented problems for AT&T's customers.

119. Software Point Releases: The lack of a test environment had a negative impact on CLEC operations with the implementation of several software point releases during 2000. Immediate defect correction was necessary following the implementation of releases 7.1, 8.0, and 9.0, and some defects are still open following the implementation of 8.0 and 9.0. The electronic ordering functionality for OS/DA supposedly implemented in 8.0 is still not available, and enhancements to Loop Make-up Inquiry responses supposedly implemented in 9.0 are only available in selected areas.

120. Although BellSouth now provides a "CLEC Application Verification Environment" ("CAVE"), that testing ability itself remains untested. Further, BellSouth's claims regarding the testing available to CLECs before CAVE were not tested in the Georgia 3rd Party Test, and have been the subject of observations and exceptions in the ongoing Florida 3rd Party Test.

CHANGE CONTROL PROBLEMS REVEALED BY FLORIDA 3RD PARTY TEST

121. The KPMG Florida 3rd Party OSS test, which still is in progress, already has revealed problems with BellSouth's Change Control Process. To date, KPMG has issued four exceptions

related to the Change Control Process, three of which remain open. A copy of the applicable exception reports and BellSouth responses is attached as Exhibit JMB-11.

122. Exception 12: BellSouth does not adhere to the procedures for System Outages (Type 1) established in the BellSouth change control process (PPR1).

KPMG has tested and retested BellSouth's performance in regard to this issue. During a retest period, KPMG determined that BellSouth did not provide notification of all system outages that occurred during the retest period, failed to meet the required system outage notification standard for 58% of the outages, and failed to meet the system outage notification standard for at least 95% of the outages reviewed. As KPMG concluded, CLECs can be adversely affected by BellSouth's failure to adhere to this requirement of the Change Control Process:

> Without proper notification of System Outages, CLECs may not be aware of the potential problems that may arise from the outage. CLECs may be unable to assess and resolve the situation resulting in potentially increased costs, decreased revenue and/or reduced customer service.[55]

123. Additionally, BellSouth failed to post a Final Resolution Notice in 8% of the outages reviewed that had been posted to the BellSouth web site, although such notice is required by the Change Control Process and necessary to allow CLECs to determine when the outage has been resolved.

124. Exception 23: The distribution of Carrier Notification information associated with the BellSouth Change Control Process is not adequate. Furthermore, in BellSouth's implementation of the process, significant information is not included in the Carrier Notifications (PPR1). KPMG identified problems with the BellSouth process as well as BellSouth's implementation of that process, and concluded as follows:

[55] KPMG Exception Report, Amended Exception 12.

> Process—The review of the Carrier Notifications process and related documentation has identified inconsistencies or deficiencies in the change notification process.
>
> 1. The BellSouth Change Control Process (CCP) document does not clearly define when CLECs are to receive notification of documentation updates, or when they are to receive the actual documentation for system and non-system affecting changes.
>
> 2. A unique Carrier Notification is not issued for each instance of documentation updates.
>
> 3. Original Carrier Notifications do not remain on the BellSouth Interconnection Web site after revisions have been made.
>
> Implementation—Review of Carrier Notifications revealed that significant information is not included in the Carrier Notifications.
>
> 4. Carrier Notifications do not reference Change Request numbers for tracking purposes.
>
> 5. Carrier Notifications of documentation updates do not state whether the documentation changes will be system or non-system affecting. [56]

125. KPMG further concluded that CLECs could be adversely affected by BellSouth's inadequate process and insufficient application of the process:

> BellSouth alerts the CLEC community of documentation releases through the use of Carrier Notifications. A lack of clarity in the process and the absence of significant information from Carrier Notifications might hamper the ability of CLECs to provide service to their customers and conduct business with BellSouth.

126. AT&T notes that problems with BellSouth's process and performance in this area are both serious and long-standing: this issue was first identified as Observation 21 by KPMG on December 13, 2000, yet BellSouth has failed to remedy the issue.

127. Exception 26: BellSouth does not have a clearly defined process for addressing the expedited release of BellSouth documentation defects. (PPR1).

[56] KPMG Exception Report, Exception 23, footnotes omitted.

This Exception relates to BellSouth's handling of "Type 6 – CLEC Impacting Defects" and "Type 6 – CLEC Impacting Expedites". Type 6 changes are grouped into one of three Impact Levels based upon the initial categorization of the type of change (defects or expedited feature), the impact of the change (Low, Medium, and High Impact) on critical system functions, and the availability of a workaround solution. All expedited feature changes are considered to be High Impact.

128. KPMG identified the following problems with the current process:

> There is a lack of clarity for the process of issuing documentation in cases where a documentation defect has been identified, validated and requires expedited release. Specifically, clarification is required for the following issues:
>
> - The circumstances that would require an expedited release of documentation.
> - The process for issuing emergency changes to documentation, which may include both Type-I and non Type-I changes, lacks definition.
> - The timeline for release of corrected documentation, including when the carrier notifications for future documentation corrections will be issued, when the corrected documentation will be made available, and when the corrected documentation will become effective.
> - The definition and criteria for inclusion of documentation changes as they relate to Low, Medium and high impact failures.

129. Again, KPMG concluded that BellSouth's process was inadequate, to the detriment of CLECs:

> It is important to the CLEC community to receive updates to documentation as soon as possible and to understand the guidelines associated with those changes. A lack of clarity in the current documentation process might unnecessarily delay the timely release of documentation and documentation changes to CLECs, potentially hindering the ability of CLECs to provide service to their customers and conduct business with BellSouth.[57]

[57] KPMG Exception Report, Exception 26.

130. As with Exception 23, this Exception originally was identified as an Observation (Observation 26, opened January 9, 2001), yet BellSouth still has failed to remedy this issue. Version 2.3 of the CCP document now includes language that addresses this issue, but BellSouth's compliance remains uncertain.

131. KPMG's Florida exceptions confirm what CLECs have known for years: not only is BellSouth's Change Control Process seriously flawed, not only does it fail to provide CLECs with a meaningful opportunity to compete against BellSouth, but BellSouth will only attempt to remedy deficiencies in the process if forced to do so under the pressure of a public 3rd Party Test.

GEORGIA EVALUATION DOES NOT RESOLVE ISSUES

132. The KPMG Georgia evaluation of BellSouth's Change Control Process cannot be taken as a "clean bill of health" for the process. As conducted by KPMG, the Georgia evaluation focused on the existence of documentation describing the process, rather than appropriateness or adequacy of the underlying process or on the timeliness and adequacy of its outputs (the progression of change requests from new to implemented).[58] The objective established in the Georgia Master Test Plan ("MTP") for the change control test was "to assess the adequacy and completeness of procedures for developing, publicizing, conducting, and monitoring change management."[59] According to the MTP, the functions to be tested were:

- Developing change proposals.
- Evaluating change proposals.
- Implementing change.
- Intervals.
- Documentation.
- Tracking change proposals.

133. The evaluation criteria established by KPMG after the creation of the MTP at the function level preserved the intent of the objectives, including "conducting" change

[58] AT&T notes that although the processes covered in Florida Exceptions 12, 23 and 26 were well within the scope of the Georgia 3rd Party Test, the Georgia Test failed to produce similar exceptions.
[59] MTP Page VIII-2, emphasis added.

management, which would have focused the analysis on the consistent processing of change requests from new to implemented. (MTP Final Report, Table VIII-1.1, page VIII-A-3). However, in establishing evaluation criteria at the individual test level, (Test Cross-Reference CM-1-1-1 through CM-1-1-8) the focus on the actual processing of change requests was replaced with a focus on the simple presence of process documentation. For example, for the function "Implementing Change" in Table VIII-1.1 the Evaluation Criteria is "Completeness and consistency of change implementation process," but the Evaluation Criteria for the associated Test Cross-Reference (CM-1-1-7) the Evaluation Criteria shifts to "Procedures and systems are in place to track information such as description of proposed changes, key notification dates, and change status." Critically, the implementation of change (or the failure to implement change) is not addressed.

134. KPMG has exercised its "professional judgement" to attach "Satisfied" ratings to three of the eight Test Cross-References that from the associated Comments should have been rated "Not Complete" or "No Determination Reached". These includes:

- CM-1-1-2 concluding with a discussion of a notification process change by BellSouth that has not be subject to re-testing.
- CM-1-2-3 "KCI's [KPMG's] change management evaluation concluded prior to CLEC-BLS voting on these balloted items."[60]
- CM-1-1-5 "As this draft process was not implemented at the time of this report, no observation of its use was possible during KCI's [KPMG's] evaluation."

135. Additionally, KPMG terminated its Georgia evaluation prematurely and attached "Satisfied" ratings to tests where it knew that essential processes were not in place. For example, both CM-1-1-3 and CM-1-1-8 are concerned with "prioritization" and "release management". These are issues that were known to KPMG's Georgia Change Control Process evaluator to be unresolved by virtue of his attendance at the February 21, 2001, CCP Process Improvement Meeting. (MTP Report page VII-A-19) Despite this knowledge of the problem, the evaluator

[60] In fact, the ballot results were published on March 15, 2001, five days prior to the termination of KPMG's testing.

did not attend the March 14, 2001, Release 9.4 Package Meeting where these issues were discussed and again remained unresolved. The CCP Document in effect at the end of KPMG's evaluation did not contain an agreed-upon Release Management Process or prioritization process based on sizing estimates from BellSouth as required by the document.

136. Despite the importance to CLECs of the Change Control Process, KPMG conducted no interviews with CLECs during its evaluation under CM-1[61] or during its evaluation of the implementation of OSS99 under CM-2[62] of the Supplemental Test Plan. This failure to interview the customer of the process is curious to say the least.

VIII. CUSTOMIZED OPERATOR SERVICES AND DIRECTORY ASSISTANCE ("OS/DA") ROUTING

BELLSOUTH DOES NOT PROVIDE CUSTOMIZED OS/DA ROUTING OR SUPPORTING OSS

137. Customized OS/DA routing is required to provide CLECs the ability to obtain Operator Services and Directory Assistance services from suppliers other than the incumbent LEC, BellSouth in this case. Central office software, trunking arrangements, and a customer-specific ordering process are required for customized OS/DA routing.

138. BellSouth has proposed two technologies for providing customized routing: Advanced Intelligent Network ("AIN") and Line Class Codes ("LCCs"). These technologies may also be used to route calls to BellSouth's own OS/DA platform. BellSouth also plans to provide routing to its own OS/DA platform through Originating Line Number Screening ("OLNS"), which will be discussed further, below. Customized OS/DA routing cannot be ordered electronically in BellSouth's OSS, and in fact, BellSouth has never provided the methods and procedures necessary to apply customized routing to specific customers.

139. Indeed, BellSouth has not actually provided customized routing to any competitor, and has admitted there are no commercial customized routing arrangements in existence anywhere

[61] An AT&T employee was interviewed regarding CCP in the fall of 1999, but that interview is not reflected in KPMG's Data Sources Table VIII-1.2 and AT&T therefore assumes it was not utilized by KPMG.

[62] AT&T requested the opportunity to be interviewed by KPMG in regard to the implementation of OSS99 but was told that KPMG would not be interviewing any CLEC in conjunction with the OSS99 evaluation CM-2. BellSouth's failure to implement OSS99 on its original schedule and announced to the industry only three days prior to the planned start of Beta Testing is not mentioned in KPMG report.

within its nine state region[63]. The only documentation that AT&T has been able to locate regarding the process to obtain customized routing for a specific customer via LCCs is a statement found in the November 22, 2000, Revision to Carrier Notification Letter SN91082004, "The ability to control branding on Operator Assistance and Directory Assistance using specific Line Class Codes (LCC) was implemented for AT&T in Georgia. Other CLECs interested in this capability should contact their account team representative." Exhibit JMB-12. This statement, in addition to being incorrect as to what is available to AT&T in Georgia, simply does not prove that BellSouth has provided its competitors with OSS to allow them a commercially viable means to route their OS/DA calls to other providers, particularly when there is no electronic ordering process available to apply customized routing to specific customers.

140. The FCC contemplated that a BOC would have to do much more than tell competitive providers to contact an account team in order to "provide" a checklist item. The FCC previously has discussed what it means for a Bell Operating Company ("BOC") to "provide" a checklist item. In its Ameritech-Michigan 271 order, the FCC concluded that a BOC provides an item if it "actually furnishes" the item, but if no competitor is actually using the item, the BOC will be considered to provide the item if it "makes the checklist item available as both a legal and a practical matter." The FCC further noted that "the mere fact that a BOC has 'offered' to provide checklist items will not suffice" to establish compliance, and explained that instead, the "BOC must have a concrete and specific legal obligation to furnish the item upon request pursuant to state-approved interconnection agreements that set forth prices and other terms and conditions for each checklist item."[64]

141. Specific, verifiable terms and conditions for ordering and provisioning customized routing, including business rules and an electronic ordering process (or even a documented manual ordering process) for applying customized routing to specific customers simply do not exist. BellSouth has not, and cannot, demonstrate that it provides customized OS/DA routing as a practical matter.

---

[63] Testimony of BellSouth witnesses in AT&T Arbitrations.
[64] Ameritech-Michigan 271 order, pg. 110.

BELLSOUTH DOES NOT PROVIDE ORDERING CAPABILITY FOR CUSTOMIZED OS/DA ROUTING IN COMPLIANCE WITH THE FCC'S ORDER

142. BellSouth wishes to force CLECs into one of two alternatives to obtain electronic ordering of customized routing for a specific customer: Either the CLEC must agree to route all of their OS/DA calls to one option per state, or they must accept a costly and complex ordering process that results in manual processing of their orders. Neither alternative is acceptable from a competitive point of view, and neither alternative complies with FCC orders. BellSouth will only agree to assign and look up specific LCCs to accomplish one customized OS/DA routing option, but will not agree to look up the LCCs where a CLEC requests additional routing options. BellSouth insists that if CLECs want more than one OS/DA routing then CLECs must somehow ascertain the specific LCCs assigned in each office necessary to order customized routing for a specific customer within a given BellSouth central office.

143. The FCC has determined that ILECs, including BellSouth, must provide customized routing as part of the switching function, unless they can prove that customized routing in a particular switch is not technically feasible[65]. BellSouth has not claimed that customized routing is not feasible in its switches; instead, BellSouth argues that it is only obligated to provide only one OS/DA routing per competitor. BellSouth argues that CLECs are not entitled to more than one customized OS/DA routing option because BellSouth has only one routing for its own OS/DA calls. This argument is specious. BellSouth chose to route all of its calls to a BellSouth platform; BellSouth instead could have chosen to route the calls of some or all of its customers' to other providers simply by installing the appropriate line class code. CLECs are entitled to the same choices as those available to BellSouth.

144. The FCC has not limited BellSouth's obligation to provide OS/DA routing on a "one per CLEC" basis. In fact, the FCC anticipated that CLECs may have more than one OS/DA routing option, and instructed BellSouth to simplify its ordering processes accordingly:

> We agree with BellSouth that a competitive LEC must tell BellSouth how to route its customers' calls. If a competitive LEC wants all of its customers' calls routed in the same way, it should be able to inform BellSouth, and BellSouth should be able to build

[65] FCC Local Competition First Report and Order, 11 FCC Rcd at 15709.

> the corresponding routing instructions into its systems just as BellSouth has done for its own customers. (Footnote 705) If, however, a competitive LEC has more than one set of routing instructions for its customers, it seems reasonable and necessary for BellSouth to require the competitive LEC to include in its order an indicator that will inform BellSouth which selective routing pattern to use. (Footnote 706) BellSouth should not require the competitive LEC to provide the actual line class codes, which may differ from switch to switch, if BellSouth is capable of accepting a single code region-wide. (FCC Second Louisiana Order at ¶ 224, emphasis added.)[66]

145. The FCC's order is perfectly clear: CLECs are free to select more than one OS/DA routing option, and BellSouth may not require the CLEC to provide actual line class codes in order to obtain any OS/DA routing option if BellSouth is capable of accepting a single code, or indicator, on a region-wide basis. And BellSouth witnesses have testified that BellSouth is, indeed, quite capable of accepting a single region-wide code, or indicator, for each of the OS/DA routings that may be requested by a CLEC.[67] Exhibit JMB-13. BellSouth's processes fail to provide CLECs with parity or a meaningful opportunity to compete.

BELLSOUTH'S PROVISION OF OLNS FAILS TO PROVIDE CLECS WITH A MEANINGFUL OPPORTUNITY TO COMPETE

146. BellSouth has designed and implemented OLNS technology for routing CLEC OS/DA calls to BellSouth's own platform and provide those calls with either "unbranded" or CLEC specific branding. BellSouth's implementation of OLNS in Georgia however is inadequate and

---

[66] The footnotes are equally instructive: Footnote 705 discusses the possibility that AT&T might want all its customers' calls routed in a single fashion:

> For example, if AT&T wants all of its customers' calls routed to AT&T's operator services and directory assistance, AT&T should be able to tell this to BellSouth once, by letter for instance, and BellSouth should be able to route the calls without requiring AT&T to indicate this information on every order.

Footnote 706, on the other hand, discusses the possibility that AT&T may desire more than one OS/DA routing option:

> For example, if AT&T wants some of its operator services and directory assistance calls routed to its operator services and directory assistance platform, but it wants other operator service and directory assistance calls directed to BellSouth's platform, BellSouth does not know whether to route AT&T's customers' calls to AT&T's platform or its own unless AT&T tells BellSouth which option it is choosing.

[67] BellSouth has never even attempted to demonstrate that does not have this capability.

fails to provide CLECs with a meaningful opportunity to compete. Simply put, it does not work correctly.

147. AT&T has purchased OLNS for use in conjunction with its UNE-P business market entry. A simple test conducted in Georgia after BellSouth informed AT&T that it had implemented OLNS for AT&T's customers revealed the following:

- The test UNE-P customer dialed "0" and experienced a 10-second call set-up time, which is longer than that experienced by BellSouth customers who dial "0". Thereafter, the test customer heard a recording that said "AT&T", and an instruction to press 1 for "BellSouth residential service and repair", press 2 for "BellSouth business service and repair", press 3 for additional assistance, or press 0 for operator assistance.
- The UNE-P test customer then pressed "0" for operator assistance from the above dial prompts, and reached an operator who, upon inquiry, identified herself as a BellSouth operator and offered to connect the test customer to an AT&T operator for call completion.
- Finally, the UNE-P test customer dialed "411" and heard the following recording: "We can now help you find numbers anywhere in the country. What city? What listing"? After the customer reached an operator and asked if she was an AT&T operator, she responded, "No, I'm BellSouth."

148. OLNS is intended to provide CLECs with appropriately branded OS/DA service from BellSouth, but fails to do so. Although the call was initially branded as "AT&T", thereafter the prompts were branded as "BellSouth" options, and provided forwarding to BellSouth service and repair, which is not only useless to the AT&T UNE-P customer (because BellSouth can provide neither service nor repair to such customers) and provides discriminatory service to the CLEC, but also is anticompetitive in that it undermines the credibility of the CLECs service and provides BellSouth with a win back opportunity. Additionally, the fact that the operators

identified themselves as "BellSouth" operators shows that BellSouth simply does not provide this service properly.

149. BellSouth currently provides neither a properly functioning customized branding option for CLEC OS/DA calls routed to the BellSouth OS/DA platforms nor a commercially viable customized OS/DA routing method by which CLECs can obtain OS/DA service from their own platforms or a third party.

VIX. CONCLUSION

150. In conclusion, BellSouth still does not provide CLECs with nondiscriminatory access to its OSS. Many of the same deficiencies exist today that were identified by the FCC in its orders rejecting BellSouth's three prior applications under Section 271. BellSouth still does not provided adequate integration between pre-ordering and ordering OSS because it does not provided parsed CSR data. BellSouth still relies excessively on manual processing to handle CLEC orders, which continues to cause delays, errors, and additional costs. BellSouth still does not provide access to a full function, machine-to-machine interface for maintenance and repair. BellSouth still provides CLECs with second class support in many other OSS areas, such as OSS response times, call answer times, due date availability, jeopardy notices, total service order cycle time, ordering and ordering capacity. BellSouth has known about these deficiencies for years, but has failed to take corrective actions necessary to meet the Act's requirements for nondiscriminatory access.

151. BellSouth's CCP should be a major tool to correct these deficiencies and provide CLECs with the "meaningful opportunity to compete" envisioned by the Act. Instead, the CCP fails to provide CLECs with a known and knowable process and imposes additional costs and burdens upon them. The CCP fails to meet CLEC needs and indeed actively discriminates against them. BellSouth retains and exercises veto power; fails to implement highly prioritized CLEC change requests and overrides CLEC prioritizations; fails to provide CLECs with a stable testing

environment or adequate opportunity to test OSS changes prior to implementation; and provides preferential treatment for changes desired by BellSouth while allowing CLEC requests to languish. Additionally, BellSouth simply fails to adhere to the CCP. BellSouth fails to provide CLECs with information regarding changes to internal processes even though they will impact CLEC operations; makes unilateral and last minute changes to planned implementations and unilaterally implements unplanned changes to software and business rules; fails to submit Change Requests as required by the process; and fails to utilize the process to implement new interfaces.

152. The ability to provide distinctive operator and directory assistance services to its customers efficiently and economically is highly valuable to a CLECs reputation, customer service, and viability. Customized branding and customized OS/DA routing are required to meet CLEC needs. Here again, despite clear FCC guidance and the passage of considerable time, BellSouth fails to meet its obligations under the Act. BellSouth has not provided a single working customized routing arrangement for any CLEC in its territory. Additionally, BellSouth fails to provide an adequate ordering process for customized OS/DA routing. Finally, BellSouth's implementation of OLNS routing to its own OS/DA platform is deeply flawed – CLEC customers reach service and operators that are identified as "BellSouth", even though the CLEC has ordered CLEC branding of these services.

I declare under penalty of perjury that the facts stated herein are true and correct, to the best of my knowledge, information and belief.

_____
Jay M. Bradbury

SWORN TO and subscribed before me this _____ day of _____, 2001.

_____
Notary Public

(SEAL)

My Commission Expires:

_____